

| | |
|---------------------------|-----------|
| FILED | RECEIVED |
| ENTERED | SERVED ON |
| COUNSEL/PARTIES OF RECORD | |
| JAN - 3 2011 | |
| CLERK US DISTRICT COURT | |
| DISTRICT OF NEVADA | |
| BY: | DEPUTY |

1
2
3
4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 MARTY SCOTT FITZGERALD,)
7 Plaintiff,) Case No. 3:09-cv-0286-RCJ-VPC
8 vs.)
9 STATE OF NEVADA, *et al.*,)
10 Defendants.)

11 Before the Court is plaintiff's request for additional time to file his Second Amended
12 Complaint (docket #16). Plaintiff explains he has been transferred between institutions and requests an
13 additional thirty days time. Good cause appearing, the request shall be granted.

14 The Court notes that the request is not in the form of a motion, but is addressed as a letter
15 to the Clerk of Court. Plaintiff is cautioned that under the rules of procedure, ex parte communications
16 such as letters to the clerk or the court are improper and will not normally be filed or brought to the
17 attention of the court. LR 7-6. Requests for additional time must be filed in the form of a motion and,
18 once defendants appear, such motion must also be served upon the defendants. Additionally, plaintiff
19 is reminded of his obligation to keep the court apprised of his current address. His correspondence
20 indicates a change of address, but does not specifically advise the court of his new address. Again, the
21 local rules of procedure require that the parties to litigation keep the court informed of their current
22 mailing address and failure to do so could result in dismissal of the case. *See* LSR 2-2. Plaintiff shall
23 be given twenty days to file a Notice of Change of Address.

24 **IT IS THEREFORE ORDERED** that the request for additional time (docket #16) is
25 **GRANTED**. The Second Amended Complaint shall be filed on or before January 28, 2011.

26 **IT IS FURTHER ORDERED** that plaintiff shall have twenty days to file a proper notice

1 of change of address advising the Court of his current mailing address. Failure to comply with this order
2 may result in dismissal of his action.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

Dated this 3rd day of

January, 2011
2010

Valerie P. John
UNITED STATES MAGISTRATE JUDGE